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**Subject:** Weekend Report from R8

## **Weekend Report from R8**

### ***Meeting with Ute Tribe --***

This week, I met with Uintah and Ouray Business Committee to discuss oil and gas development on the reservation and the winter ozone challenges we are seeing in the Unita Basin. One key proposal for addressing ozone that was discussed was for EPA, in coordination with the Tribe, to develop a reservation-specific rule (FIP). We had very good dialog on this option, and in the end, the Chair and Council Members supported having our respective staffs work together to further explore this option. A very positive outcome! Additionally, although the Tribe expressed frustrations with the County, State, and BLM, the Business Committee agreed that working with all of these entities in a basin-wide approach was the appropriate course. In that vein, we also met with the County Commissioners and the BIA, and have upcoming meetings scheduled with the new UT DEQ director, and BLM.

***Termination of Wind River Grants --*** This week, we will be sending a letter to both Eastern Shoshone and N.Arapahoe Tribes informing them we have terminated their 2015 grants. This action comes in response to the N. Arapahoe's decision to terminate the Wind River Joint Business Council last Fall, which is the entity to which the grant was granted. Despite numerous communications, meetings and consultations encouraging the Tribes to establish an alternative mechanism to administer the grants, the Tribes have thus far been unsuccessful in agreeing on such a mechanism. We took the action of suspending the grants in the Spring, and gave them notice that termination was the next step if progress was not made, so the Tribes will not be surprised by our letter. We have coordinated the effort with other federal agencies, most notably BIA, which provides the Tribes their largest amount of funds. Because the termination action potentially relates to the TAS litigation, we will notify the 10th Circuit of our action.

***Blanche Park (CO) Farm Pond Exemption --*** USACE Sacramento District received a request from the Grand Mesa Water Conservancy District for an agricultural exemption from 404 permit requirements in connection with the Conservancy District's proposal to rehabilitate and put back into use the Blanche Park reservoir on the Grand Mesa. We've questioned whether the Conservancy District's project should receive an exemption under 404(f)(1)(C) for construction of a farm pond. Our original reservations stem from these circumstances:

- The applicant is a water conservancy district with a written record that indicates an interest in using the reservoir for other purposes as well as agriculture.
- The applicant is not the producer.

- We have no record of an affidavit of the water lease by the producer.
- The reservoir is located on USFS land 20 miles away from the dairy farm where the water would be used.

USACE recently shared with us their draft memo supporting their intended determination to grant an exemption. We sent a letter to USACE in response in which we primarily say it's best that the producer be made the applicant and not the conservancy district. That approach, now and in the future, resolves the questions around whether the exemption applies. We also offer ways to mitigate some of the uncertainty if USACE chooses to proceed with an exemption.

We've discussed and coordinated this matter with the wetlands program in OWOW and with OGC.

***Aclima/Google Mobile Air Monitoring*** -- EPA has a Cooperative Research and Development Agreement with Aclima Inc. to improve data quality from small-scale sensors and advance stationary and vehicular sensing platforms. Through this CRADA, EPA supported a Denver pilot study by Aclima and Google that took place last summer during the DISCOVER-AQ study. Aclima used Google's Street View cars to test a suite of mobile air monitoring equipment as the cars moved throughout the city. EPA scientists advised on the design of the monitoring system and the study, and provided opportunities through DISCOVER-AQ to access additional ground measurement tools in Denver at that time.

Later this month—tentative date July 28 -- Google and Aclima will announce their collaboration on mapping the environment with mobile air monitoring technology and highlight the Denver pilot. My understanding is that the press release and associated web content will reference the Denver effort as a pilot for testing how well these technologies work, and not on a specific analysis of Denver's air quality. We have notified the State and City of Denver.

NOTE: Aclima's announcement is very much close hold until the release date.